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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/648,122	08/25/2000	John G. McDonough	TI-31713	6348
23494	7590	01/13/2005	EXAMINER	
TEXAS INSTRUMENTS INCORPORATED P O BOX 655474, M/S 3999 DALLAS, TX 75265			CORRIELUS, JEAN B	
			ART UNIT	PAPER NUMBER
			2637	

DATE MAILED: 01/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/648,122	Applicant(s) <b>✓</b> MCDONOUGH ET AL.	
	Examiner Jean B Corrielus	Art Unit 2631	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 November 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 2-13, 15-21 and 23-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-13 and 15-21 is/are allowed.
- 6) ☒ Claim(s) 23, 25, 26, 29 and 30 is/are rejected.
- 7) ☒ Claim(s) 24, 27, 28 and 31 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other:  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. The finality of the last office action is withdrawn in view of the following new ground of rejection.

### ***Allowable Subject Matter***

2. The indicated allowability of claims 23, 25, 26, 29, and 30 is withdrawn in view of the newly discovered reference(s) to Odenwalder US Patent No. 6,678,311. Rejections based on the newly cited reference(s) follow.

### ***Claim Objections***

3. Claims 23, 25, and 28 are objected to because of the following informalities: claim 23, line 4, "a sample stream" should be "said/the sample stream" so as to be consistent with antecedent in line 3. Claim 25, line 4, "an" should be "the/said" so as to be consistent with antecedent in line 2. Claim 28, lines 5, 7, and 10, "a common" should be "said/the common" so as to be consistent with antecedent in line 2.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

Art Unit: 2637

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 23, 25, 26, 29 and 30 are rejected under 35 U.S.C. 102(e) as being anticipated by Odenwalder US Patent S/N. 6,678,311.

Odenwalder discloses a method and apparatus (figs. 2, 5 and 6) having the steps of: accepting a sample stream from RF processing system 122; demodulating information channel (power control data, pilot data, and encoded data) in the sample stream using circuit element 182; supplying combiner channel assignments (note that outputs of each circuit 182 are considered as the claimed "combiner channel assignments") which includes soft symbol decision see col. 12, lines 28-33; "combiner channel assignment " (output of the demodulator) is supplied according to the demodulated information channel (power control data, pilot data, and encoded data) i.e. power control information, BPSK, QPSK; combiner 184 accepting "combiner channel assignments (output of the demodulator 182.

As per claim 25, an uncovering code (Walsh code) is accepted see fig. 6 and the demodulating demodulates the information channel in response to the uncovering code (Walsh code). See fig. 6.

As per claim 26, each information being covered with a Walsh code from a plurality of Walsh codes see fig. 4 and col. 6, table I; and wherein accepting an uncovering code includes accepting an uncovering code corresponding to the information to be demodulated. See fig. 6.

As per claim 29, the demodulating circuit includes a plurality of demodulating fingers and accepting the sample stream includes each demodulating finger accepting the sample stream see fig. 6 and wherein each demodulating finger demodulating information channels in the sample stream and supplying an output considered as the claimed "combiner channel assignment with soft symbols" see fig. 5 and col. 12, lines 28-33.

As per claim 30, each demodulating finger includes a plurality of finger channels see fig. 5 and wherein supplying said output (combiner channel assignments) with the soft symbols includes each finger channel supplying an output (combiner assignment) corresponding to the information being demodulated. See fig. 6.

***Allowable Subject Matter***


5. Claims 2-13 and 15-21 are allowed over the prior art of record.

6. Claims 24, 27, 28 and 31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean B Corrielus whose telephone number is 571-272-3020. The examiner can normally be reached on Maxi-Flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on 571-272-3086. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Jean B Corrielus  
Primary Examiner